

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

CAROLYN WILLIAMS,	)	
	)	
Plaintiff,	)	
	)	1:09-cv-859- SEB-JMS
vs.	)	
	)	
UNITED PARCEL SERVICE,	)	
	)	
Defendant.	)	

**ENTRY ON PLAINTIFF'S BELATED RESPONSE TO**  
**SHOW CAUSE ORDER AND DENIAL OF REQUEST TO REINSTATE CASE**  
(Docket No. 10)


On December 7, 2009, the Court dismissed this action without prejudice for Plaintiff's failure to timely respond to the Court's Order to Show Cause. The very next day, Plaintiff filed a document titled "Response to Court's Order to Show Cause and Subsequent Dismissal." In that filing, Plaintiff's attorney explains that, due to a computer glitch, he did not receive the Court's show cause order until after the case had already been dismissed, and he asks the Court to "reinstate" this cause. He suggests, but does not expressly argue, that reinstatement would be appropriate because he obtained Defendant's consent to waive formal service of process, but simply failed to notify the Court of that fact within the 120 day time period established by Fed. R. Civ. P. 4(m). On January 8, 2010, counsel for Defendant entered a limited appearance for the purpose of objecting to the reinstatement of this case. The Court, having reviewed the parties' filings, sustains Defendant's objection.

As Defendant correctly observes, Plaintiff's belated filing makes no attempt to explain

Plaintiff's failure to perfect service (or file the Waiver of Service form) within the 120 days allotted, which was the explanation the Court sought in issuing its show cause order. And, Plaintiff's belated filing fails to cite any rule, statute, or case law in support of her assertion that the dismissal of this cause should now be set aside. The computer glitch may explain why Plaintiff did not respond to the show cause order, but it does not excuse Plaintiff's failure to comply with Fed. R. Civ. P. 4(m) in the first place.

The Court finds that there is no basis upon which to set aside the dismissal previously entered. Plaintiff's request to reinstate this cause is DENIED.

Date: 01/14/2010

  
SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

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